

SILLS CUMMIS & GROSS P.C.

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*Proposed Counsel to the Debtors
and Debtors-in-Possession*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

NATIONAL REALTY INVESTMENT
ADVISORS, LLC, *et al.*¹

Debtors.

Chapter 11

Case 22-14539- (JKS)

(Jointly Administered)

**NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR HEARING ON JULY 19, 2022 AT 2:00 P.M. (ET)**

CONTINUED MATTERS

1. Debtors' Motion for Entry of Interim and Final Orders Authorizing, But Not Directing, the Debtors to (A) Pay Certain Prepetition Wages, Salaries, Reimbursable Employee Expenses and Other Employee Compensation Expenses, and Taxes Related Thereto, (B) Honor Certain Employee Benefits, (C) Directing the Debtors' Banks to Honor Checks and Transfers of Prepetition Employee Obligations, and (D) Granting Related Relief [Docket No. 9; Filed 6/8/22]

Response Deadline: 7/12/22 at 4:00 p.m. (ET); extended to 7/14/22 for the Committee

¹ A complete list of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' claims and noticing agent at <https://omniagentsolutions.com/NRIA>. The location of the Debtors' service address is: 1 Harmon Plaza, Floor 9, Secaucus, New Jersey 07094.

Response(s) Received:

- a) Committee Statement on Pending Motions [Docket No. 142; Filed 7/13/22]

Related Document(s):

- a) Certificate of Service [Docket No. 18; Filed 6/9/22]
- b) Interim and Final Orders Authorizing, But Not Directing, the Debtors to (A) Pay Certain Prepetition Wages, Salaries, Reimbursable Employee Expenses and Other Employee Compensation Expenses, and Taxes Related Thereto, (B) Honor Certain Employee Benefits, (C) Directing the Debtors' Banks to Honor Checks and Transfers of Prepetition Employee Obligations, and (D) Granting Related Relief [Docket No. 19; Filed 6/9/22]

Status: This matter is being adjourned to a date to be determined.

- 2. Debtors' Motion for Entry of Interim and Final Orders Authorizing the Debtors to (I) Continue and Maintain Their Existing Cash Management System and Bank Accounts; and (II) Continue Using Their Existing Business Forms, Checks, and Records [Docket No. 11; Filed 6/8/22]

Response Deadline: 7/12/22 at 4:00 p.m. (ET); extended to 7/14/22 for the Committee

Response(s) Received:

- a) Committee Statement on Pending Motions [Docket No. 142; Filed 7/13/22]

Related Document(s):

- a) Certificate of Service [Docket No. 18; Filed 6/9/22]
- b) Interim Order (i) Authorizing the Debtors to Continue and Maintain Their Existing Cash Management System and Bank Accounts; and (ii) Continue Using Their Existing Business Forms, Checks, and Records [Docket No. 22; Filed 6/9/22]
- c) Certification of Supplemental Service [Docket No. 34; Filed 6/13/22]

Status: This matter is being adjourned to a date to be determined at the request of the Committee. The Committee and the Debtors are

negotiating the terms of a second interim order that will remain in full force and effect pending the adjourned hearing.

3. Debtors' Motion for Entry of an Order Authorizing the Debtors to Employ and Compensate Professionals Utilized in the Ordinary Course of Business [Docket No. 83; Filed 6/28/22]

Response Deadline: 7/12/22 at 4:00 p.m. (ET); extended to 7/14/22 for the Committee

Response(s) Received:

- a) Omnibus Objection of Allen Cvelic and Martina Gudac to (I) Debtors' Motion for Entry of an Order Authorizing the Debtors to Employ and Compensate Professionals Utilized in the Ordinary Course of Business, (II) Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume Certain Construction Contracts and (III) Joinder in the United States Trustees' Objection to the Retention of Sills Cummis & Gross P.C. as Counsel for the Debtors [Docket No. 117; Filed 7/11/22]
- b) Joinder of Thomas J. Cioffe, Cioffe Enterprises, Inc., Thomas J. Cioffe, JR., Joseph Occhiogrosso, and Annemarie Occhiogrosso to the Omnibus Objection of Allen Cvelic and Martina Gudac to (1) Debtors' Motion for Entry of an Order Authorizing the Debtors to Employ and Compensate Professionals Utilized in the Ordinary Course of Business, (II) Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume Certain Construction Contracts and (III) Joinder in the United States Trustees' Objection the Retention of Sills Cummis & Gross P.C. as Counsel for the Debtors [Docket No. 122; Filed 7/11/22]
- c) CORRECTED Joinder of Thomas J. Cioffe, Cioffe Enterprises, Inc., Thomas J. Cioffe, Jr., Joseph Occhiogrosso, and Annemarie Occhiogrosso to the Omnibus Objection of Allen Cvelic and Martina Gudac to (1) Debtors' Motion for Entry of an Order Authorizing the Debtors to Employ and Compensate Professionals Utilized in the Ordinary Course of Business, (II) Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume Certain Construction Contracts and (III) Joinder in the United States Trustees' Objection the Retention of Sills Cummis & Gross P.C. as Counsel for the Debtors [Docket No. 123; Filed 7/11/22]
- d) Notice of Withdrawal of Docket No. 122 [Docket No. 128; Filed 7/13/22]
- e) Committee Statement on Pending Motions [Docket No. 142; Filed 7/13/22]

Related Document(s):

- a) Notice of Hearing and Objection Deadlines [Docket No. 86; Filed 6/28/22]
- b) Certification of Service [Docket No. 91; Filed 6/29/22]

Status: This matter is being adjourned to a date to be determined at the request of the Committee.

- 4. Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume Certain Construction Contracts [Docket No. 85; Filed 6/28/22]

Response Deadline: 7/12/22 at 4:00 p.m. (ET)

Response(s) Received:

- a) Omnibus Objection of Allen Cvelic and Martina Gudac to (I) Debtors' Motion for Entry of an Order Authorizing the Debtors to Employ and Compensate Professionals Utilized in the Ordinary Course of Business, (II) Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume Certain Construction Contracts and (III) Joinder in the United States Trustees' Objection to the Retention of Sills Cummis & Gross P.C. as Counsel for the Debtors [Docket No. 117; Filed 7/11/22]
- b) Joinder of Thomas J. Cioffe, Cioffe Enterprises, Inc., Thomas J. Cioffe, JR., Joseph Occhiogrosso, and Annemarie Occhiogrosso to the Omnibus Objection of Allen Cvelic and Martina Gudac to (1) Debtors' Motion for Entry of an Order Authorizing the Debtors to Employ and Compensate Professionals Utilized in the Ordinary Course of Business, (II) Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume Certain Construction Contracts and (III) Joinder in the United States Trustees' Objection the Retention of Sills Cummis & Gross P.C. as Counsel for the Debtors [Docket No. 122; Filed 7/11/22]
- c) CORRECTED Joinder of Thomas J. Cioffe, Cioffe Enterprises, Inc., Thomas J. Cioffe, Jr., Joseph Occhiogrosso, and Annemarie Occhiogrosso to the Omnibus Objection of Allen Cvelic and Martina Gudac to (1) Debtors' Motion for Entry of an Order Authorizing the Debtors to Employ and Compensate Professionals Utilized in the Ordinary Course of Business, (II) Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume Certain Construction Contracts and (III) Joinder in the United States Trustees' Objection the Retention of Sills Cummis & Gross P.C. as Counsel for the Debtors [Docket No. 123; Filed 7/11/22]

- d) Notice of Withdrawal of Docket No. 122 [Docket No. 128; Filed 7/13/22]
- e) Certification in Response to Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume Certain Construction Contracts [Docket No. 134; Filed 7/13/22]
- f) Committee Statement on Pending Motions [Docket No. 142; Filed 7/13/22]

Related Document(s):

- a) Notice of Hearing and Objection Deadlines [Docket No. 86; Filed 6/28/22]
- b) Certification of Service [Docket No. 92; Filed 6/29/22]
- c) Notice of Revised Contract Schedule with Respect to Debtors' Motion to Assume Certain Construction Contracts [Docket No. 98; Filed 7/1/22]

Status: This matter is being adjourned to a date to be determined at the request of the Committees.

UNCONTESTED MATTERS GOING FORWARD

- 5. Debtors' Motion for Entry of an Administrative Fee Order Establishing Procedures for the Allowance and Payment of Interim Compensation and Reimbursement of Expenses of Professionals Retained by Order of This Court [Docket No. 49; Filed 6/20/22]

Response Deadline: 7/12/22 at 4:00 p.m. (ET); extended to 7/14/22 for the Committee

Response(s) Received:

- a) Committee Statement on Pending Motions [Docket No. 142; Filed 7/13/22]

Related Document(s): Certificate of Service [Docket No. 79; Filed 6/27/22]

Status: This matter is going forward. No objections have been filed. The Committee has no objection to the relief sought by this motion.

6. Debtors' Motion for Entry of an Order Dismissing the Chapter 11 Case of Black Horse Alley Capital LLC [Docket No. 53; Filed 6/20/22]

Response Deadline: 7/12/22 at 4:00 p.m. (ET); extended to 7/14/22 for the Committee

Response(s) Received:

- a) Opposition of Jean-Michel Appolon on Behalf of Avemm Corporation to the Motion of the Debtor Seeking Dismissal of Black Horse Alley Capital LLC [Docket No. 119; Filed 7/12/22]
- b) Committee Statement on Pending Motions [Docket No. 142; Filed 7/13/22]

Related Document(s): Certification of Service [Docket No. 79; Filed 6/27/22].

Status: This matter is going forward. The above-referenced objection has been resolved.

7. Debtors' Application for an Order (I) Authorizing the Debtors to Employ and Retain Omni Agent Solutions as Claims and Noticing Agent, Effective *Nunc Pro Tunc* to the Petition Date and (II) Granting Related Relief [Docket No. 55; Filed 6/20/22]

Response Deadline: 7/12/22 at 4:00 p.m. (ET)

Response(s) Received: None.

Related Document(s): Certification of Service [Docket No. 69; Filed 6/23/22]

Status: This matter is going forward. No objections have been filed.

8. Application for Retention of Professional [Docket No. 75; Filed 6/27/22]

Response Deadline: 7/11/22 at 4:00 p.m. (ET); extended to 7/14/22 for the Committee

Response(s) Received:

- a) Committee Statement on Pending Motions [Docket No. 142; Filed 7/13/22]

Related Document(s):

- a) Notice of Hearing and Objection Deadlines [Docket No. 86; Filed 6/28/22]
- b) Certification of Service [Docket No. 87; Filed 6/28/22]
- c) Supplemental Certification of Joseph L. Schwartz in Further Support of Debtors' Application for Retention of Riker Danzig LLP as Special Litigation Counsel [Docket No. 120; Filed 7/12/22]

Status: This matter is going forward. No objections have been filed. The Committee has no objection to the relief sought by this motion.

9. Application for Retention of Professional [Docket No. 76; Filed 6/27/22]

Response Deadline: 7/11/22 at 4:00 p.m. (ET); extended to 7/14/22 for the Committee

Response(s) Received:

- a) Committee Statement on Pending Motions [Docket No. 142; Filed 7/13/22]

Related Document(s):

- a) Notice of Hearing and Objection Deadlines [Docket No. 86; Filed 6/28/22]
- b) Certification of Service [Docket No. 87; Filed 6/28/22]
- c) First Supplemental Declaration of Joseph A. Hayden, Jr., Esq. in Support of Application for Retention of Pashman Stein Walder Hayden, P.C. as Special Counsel to the Debtors *Nunc Pro Tunc* to the Petition Date [Docket No. 104; Filed 7/6/22]
- d) Second Supplemental Declaration of Joseph A. Hayden, Jr., Esq. in Support of Application for Retention of Pashman Stein Walder Hayden, P.C. as Special Counsel to the Debtors *Nunc Pro Tunc* to the Petition Date [Docket No. 152; Filed 7/15/22]

Status: This matter is going forward. No objections have been filed. The Committee has no objection to the relief sought by this motion.

CONTESTED MATTERS GOING FORWARD

10. Debtors' Application Pursuant to 11 U.S.C. § 327(a) for Entry of an Order Authorizing the Retention of Sills Cummis & Gross P.C. as Counsel for the Debtors Effective *Nunc Pro Tunc* to the Petition Date [Docket No. 48; Filed 6/20/22]

Response Deadline: 7/5/22 at 4:00 p.m. (ET); extended to 7/11/22 for the United States Trustee and to 7/14/22 for the Committee

Response(s) Received:

- a) Objection of the United States Trustee to Debtors' Application for Retention of Professional to Retain Sills Cummis & Gross, P.C., as Attorney for the Debtors-In-Possession [Docket No. 114; Filed 7/11/22]
- b) Omnibus Objection of Allen Cvelic and Martina Gudac to (I) Debtors' Motion for Entry of an Order Authorizing the Debtors to Employ and Compensate Professionals Utilized in the Ordinary Course of Business, (II) Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume Certain Construction Contracts and (III) Joinder in the United States Trustees' Objection to the Retention of Sills Cummis & Gross P.C. as Counsel for the Debtors [Docket No. 117; Filed 7/11/22]
- c) Joinder of Thomas J. Cioffe, Cioffe Enterprises, Inc., Thomas J. Cioffe, JR., Joseph Occhiogrosso, and Annemarie Occhiogrosso to the Omnibus Objection of Allen Cvelic and Martina Gudac to (1) Debtors' Motion for Entry of an Order Authorizing the Debtors to Employ and Compensate Professionals Utilized in the Ordinary Course of Business, (II) Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume Certain Construction Contracts and (III) Joinder in the United States Trustees' Objection the Retention of Sills Cummis & Gross P.C. as Counsel for the Debtors [Docket No. 122; Filed 7/11/22]
- d) CORRECTED Joinder of Thomas J. Cioffe, Cioffe Enterprises, Inc., Thomas J. Cioffe, Jr., Joseph Occhiogrosso, and Annemarie Occhiogrosso to the Omnibus Objection of Allen Cvelic and Martina Gudac to (1) Debtors' Motion for Entry of an Order Authorizing the Debtors to Employ and Compensate Professionals Utilized in the Ordinary Course of Business, (II) Debtors' Motion for Entry of an Order Authorizing the Debtors to Assume Certain Construction Contracts and (III) Joinder in the United States Trustees' Objection the Retention of Sills Cummis & Gross P.C. as Counsel for the Debtors [Docket No. 123; Filed 7/11/22]

- e) Notice of Withdrawal of Docket No. 122 [Docket No. 128; Filed 7/13/22]
- f) Committee Statement on Pending Motions [Docket No. 142; Filed 7/13/22]
- g) Certification of Neidy Fuentes in Support of Objection of the United States Trustee to Debtors' Application for Retention of Professional to Retain Sills Cummins & Gross, P.C., as Attorney for the Debtors-in-Possession [Docket No. 147; Filed 7/14/22]

Related Document(s):

- a) Certificate of Service [Docket No. 69; Filed 6/23/22]
- b) Notice of Hearing [Docket No. 118; Filed 7/12/22]
- c) Reply in Support of Debtors' Application Pursuant to 11 U.S.C. §327(a) for Entry of an Order Authorizing the Retention of Sills Cummins & Gross P.C. as Counsel for the Debtors Effective *Nunc Pro Tunc* to the Petition Date [Docket No 153; Filed 7/15/22]

Status: This matter is going forward.

11. U.S. Construction's Motion for Order Compelling Performance and/or Assumption of Agreements and for Related Relief [Docket No. 125; Filed 7/12/22]

Response Deadline: 7/19/22 at 2:00 p.m. (ET)

Response(s) Received:

- a) Debtors' Letter to Judge Sherwood in Opposition to U.S. Construction's Application to Shorten Time [Docket No. 127; Filed 7/13/22]
- b) The Committee's Letter to Judge Sherwood in Opposition to U.S. Construction's Application to Shorten Time [Docket No. 131; Filed 7/13/22]

Related Document(s):

- a) U.S. Construction's Application for Order Shortening Time [Docket No. 126; Filed 7/12/22]

- b) Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice [Docket No. 145; Filed 7/14/22]
- c) Certification of Service [Docket No. 146; Filed 7/14/22]

Status: The Court will hold a preliminary hearing on this matter.

Dated: July 15, 2022

SILLS CUMMIS & GROSS P.C.

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